

## **GOOD PRACTICE GUIDANCE FOR COURT CANCELLATIONS IN THE MAGISTRATES' COURTS**

1. The court administration is responsible for supporting the judiciary in the efficient disposal of court business. When scheduling judicial sittings due consideration will be given to the needs of each magistrate to meet their minimum sitting requirements and to demonstrate, maintain and develop their core competences.
2. Magistrates are required to sit a minimum number of sittings per year as outlined in the Lord Chancellor's Directions for Advisory Committees on Justices of the Peace. Each justice's annual sittings should be spread over the year and be of a balanced cross section of work to enable each magistrate to meet their requirements to demonstrate competence.
3. In accordance with the Secretary of State and Lord Chancellor's Directions for Advisory Committees on Justices of the Peace, magistrates can expect to be rostered for at least the stated minimum number of half-day sittings in a year. Magistrates who sit in the youth or family courts can expect to be rostered for at least the minimum number of half day sittings as stated for the adult criminal court and the panels.
4. In each area the Justices Issues Group will agree overall policies for determining rota arrangements.
5. The bench chairman will agree a policy with the administration regarding the notification of late cancellations by magistrates and when magistrates fail to arrive for court. Further, there will be arrangements agreed at a local level for how alternate arrangements are made to cover sittings where a magistrate is unable to attend as scheduled. This policy should be discussed at a bench meeting and be known to all magistrates.

### Changes to scheduled arrangements

6. Magistrates are volunteers who have diverse commitments. Whenever possible they should be informed of a cancelled sitting at least one week in advance of the sitting. However, unforeseeable circumstances will from time to time lead to changes and cancellations at short notice despite good listing and rota practices. The following principles provide guidance to the administration on how such circumstances will be managed.
  - 6.1 Where consideration is being given to cancelling a court on the day it is scheduled to sit, and it is practicable to do so, the work listed on that day should be shared between all those benches scheduled to sit. (This principle does not override considerations of continuity e.g. cases reserved to a bench for sentencing, family proceedings etc)
  - 6.2 The opportunity for the magistrate or District Judge to undertake alternative work must always be considered.

6.3 Where a decision has been made to cancel a court and it is not possible for the work to be shared the following considerations, in no particular order, should determine which magistrate(s) or district judge will be notified that they will not be required for that sitting

- Balanced benches

Relevant rules must be complied with, including those relating to the gender balance of family and youth panels and the need for authorised chairmen.

- Minimum sitting requirements.

Magistrates with the highest number of annual sittings should be considered first. Cancellations should not apply to magistrates where this may put at risk their ability to meet their minimum sitting requirements.

- Immovable personal arrangements

Magistrates with greatest flexibility in altering the personal arrangements which allowed them to sit that day should be considered first. The need to make such arrangements can, in particular, affect magistrates who are employed, self-employed or carers (with responsibility for the young, the old and/or those with disabilities).

- Financial loss/grave consequences

Magistrates for whom the cancellation will not result in loss of income or negative employment/business consequences should be considered first. Cancellations resulting in financial loss and/or difficulties in employment or business relations can, in particular, affect magistrates who work unsocial hours, have inflexible working patterns or have engaged a locum to cover their absence

- Previous cancellations at short notice

Magistrates or District Judges who have had sittings cancelled at short notice in the past 6 months should be considered after those who have not been cancelled during this period.

#### Notification of a cancelled sitting

7. Where a decision has been made to cancel a magistrate's or District Judge's sitting the magistrate or District Judge should be notified at the earliest convenience and within 24 hours of the decision to cancel the court. A week's notice would be expected for those magistrates with responsibilities as outlined above.

8. The affected magistrate or District Judge is to be informed of

- the circumstances leading to the cancellation
- when the administration was aware of the circumstance which led to the cancellation and
- when the decision to cancel the court was made

9. The magistrate is to be advised of how a cancellation will affect any claim for expenses related to the cancelled sitting in accordance with the published rules related to the claiming of expenses by Justices of the Peace.

#### Recording cancelled sittings

10. Advisory Committees are responsible for reporting each year to the Lord Chancellor on the sittings of each Justice of the Peace as laid out in the Directions for Advisory Committees on Justices of the Peace. The number of scheduled sittings cancelled by the court for each magistrate will be recorded by the administration in each local justice area and be available to the Advisory Committee.
11. When recording cancelled sittings the area administration will give regard to
  - logging the reason for the cancellation;
  - noting when the decision was made to cancel the court and when those justices affected were advised;
  - providing affected justices with the opportunity to advise the administration of the impact such a cancellation had on the arrangements they had made to be available for that sitting.

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